

UNITED STATES DISTRICT COURT

for the

District of

New Jersey

United States of America

Dexter Buen

Date of Previous Judgment: Oct 2, 2006
(Use Date of Last Amended Judgment if Applicable)

Case No: 05-753

USM No:

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): Retroactive amendment does not affect actual guideline range which is constructed to 48 months.

III. ADDITIONAL COMMENTS Court agrees with Probation Department that quantity of crack cocaine was 87.5 grams with a base offense level of 32, not 28.

Except as provided above, all provisions of the judgment dated Oct 2, 2006 shall remain in effect.

IT IS SO ORDERED.

Order Date:

9 April 2009

Effective Date:

(if different from order date)

[Signature]

Judge's signature

William H. Walls

Printed name and title